

REMARKS

Claims 1-3, 5-12, and 14-32 are pending, with claims 1, 10, 19, and 25 being independent. Claim 24 has been cancelled. Claims 7, 10, and 14-16 have been amended, and claims 25-32 are new. No new matter has been added. Reconsideration and allowance of the above-referenced application are respectfully requested.

Objections to the Specification and Claims

The Office's objections to the Specification has been addressed. However, the Office's objections to claims 2, 3, 5-9 are respectfully traversed. Claims 2, 3, and 5-9 depend directly or indirectly from independent claim 1, which explicitly recites "machine-implemented method." Therefore, by reciting "[t]he method of claim 1," there is no question that it is the "machine-implemented method" of claim 1 that is being referred to, and claims 2, 3, and 5-9 remain directed to statutory subject matter because they depend from claim 1, which is directed to statutory subject matter. Thus, withdrawal of the objections to claims 2, 3, 5-9 is respectfully requested.

Rejections Under 35 U.S.C. § 112, first paragraph

Claims 3, 7, 14-16 stands rejected under 35 U.S.C. § 112, second paragraph for allegedly being indefinite. Claims 7 and 14-16 have been amended to obviate the rejections; additionally, the Office's contention that the limitation "about one day" renders claim 3 indefinite is respectfully traversed. One skilled in the art would understand the meaning of "about one day"

given the original disclosure. For example, Applicant discloses that “[d]uring the development of a software product, the resources needed to correctly install the product can change regularly, often on a **daily basis**.” (Emphasis added; page 7, paragraph [0026] of the application as filed.) Therefore, withdrawal of the rejection of claim 3 under 35 U.S.C. § 112, second paragraph is respectfully requested.

Rejections Under 35 U.S.C. § 101

Claim 24 stand rejected under 35 U.S.C. § 101 as allegedly not being directed to statutory subject matter. Claim 24 has been cancelled. Thus, the rejection of this claim has been obviated.

Rejections Under 35 U.S.C. § 103

Claims 1-3, 5-12, 14-18, and 24 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,738,970 issued to Kruger et al. (hereinafter “Kruger”) in view of U.S. Patent No. 6,560,776 issued to Breggin et al. (hereinafter “Breggin”). This contention is respectfully traversed. A *prima facie* case of obviousness has not been established because Kruger does not teach or suggest all the elements of claims 1-3, 5-12, 14-18, and 24, and Breggin does not cure the deficiencies of Kruger.

For example, Kruger does not teach or suggest “generating a comparison of a current software installation, to a target computer, with a previous software installation, to the same target computer, in a series of two or more software installations **during a software product development**” (emphasis added) as recited in claim 1. Admittedly, Kruger discloses

automatically identifying changes made to a computer system during the installation of computer software; however, contrary to the Office's assertion, Kruger does not teach or suggest "generating a comparison of a current software installation, to a target computer, with a previous software installation, ... during a software product development" as required by claim 1 because nowhere does Kruger mention "software product development," let alone comparing installation data between successive installations during a software product development.

Additionally, Kruger does not teach or suggest "creating installation data for a resource, based at least in part on the comparison, the resource including attributes including a dynamic attribute and a static attribute, the dynamic attribute is an attribute that should have changed between the previous software installation and the current software installation, the static attribute is an attribute that should remain unchanged between the previous software installation and the current software installation" (emphases added) as recited in claim 1. Although Kruger discloses comparing a computer system before and after the software installation, there is no teaching or suggestion by Kruger of creating installation data for a resource that includes both dynamic and static attributes. Contrary to the Office's contention, the cited portions of Kruger merely discloses creating a tree having nodes representing files; in fact, Kruger is silent on creating installation data for a resource that has a dynamic attribute, which is an attribute that should have changed between successive installations on the same target computer.

Furthermore, Kruger does not teach or suggest "identifying from the installation data the dynamic attribute that was not changed in the current software installation" (emphasis added)

as recited in claim 1. As noted above, Kruger is silent on creating installation data for a resource that has a dynamic attribute; thus, Kruger simply does not teach or suggest identifying the dynamic attribute that was not changed. Claim 1 requires the identification from the installation data attributes that should have changed, but was not changed, between successive installations on the same target computer. In sharp contrast, the cited portions of Kruger merely discloses that a difference calculator marks the terminal node in the tree it creates as the "same," which denotes that the state represented by the terminal node did not change when the new software was installed. Kruger simply does not contemplate any dynamic attributes (i.e., attributes that should have changed) in software installation, nor does Kruger identify dynamic attributes that was not changed for a given resource associated with a software installation.

Claim 1 makes explicit that potential problems based on the identified resources are presented to the software developer when resources that were supposed to be changed did not change. Using the subject matter of claim 1, the software developer,

can track what should actually be installed on a particular day in a software product's life-cycle, including components that need to be installed in other applications' directories, and quickly call attention to inadvertently introduced errors. This can be of particular value in the latter part of a software product's development life-cycle, when engineers may be struggling to meet a set product release date.

(See paragraph [0009] of the application as filed). In comparison, Kruger does not contemplate these potential advantages because Kruger does not relate to comparing software installations during a software product development and Kruger does not teach or suggest identifying potential problems when resources that have not changed were supposed to be changed.

Moreover, Breggin does not cure this deficiency of Kruger. The Office acknowledges that Kruger does not disclose “presenting potential problems with the current software installation based on the identified dynamic attribute to facilitate verification of an installer for the software product development.” (See 06/04/2007 Office Action at page 7.) The Office relies on Breggin for this subject matter and responds to Applicant’s prior argument regarding Breggin by focusing on the prior reference to an alert or warning. (See 06/04/2007 Office Action at page 22.) However, attention is called to the fact that the crux of the argument does not hinge on the manner in which potential problems are presented, but rather the fact that the claim recites, “presenting potential problems with the current software installation based on the identified dynamic attribute to facilitate verification of an installer for the software product development.” (Emphasis added.) Breggin explicitly states that, “An ‘exception’ is typically a difference between corresponding fields in the installation and installed databases or files.” (See Breggin at col. 9, lines 58-60.) Nothing in Breggin teaches or suggests presenting potential problems with a current software installation based on an identified dynamic attribute, where the dynamic attribute is an attribute that should have changed between the previous software installation and the current software installation, but that did not change, as expected.

Therefore, the suggested Kruger-Breggin combination does not teach each and every limitation of claim 1, and claim 1 should be in condition for allowance. Independent claim 10 recites similar limitations as claim 1; thus, claim 10 should be in condition for allowance for at least similar reasons as discussed above. Claims 2-3, 5-9, 11-12, 14-18 depend generally from claims 1 or 10, and are allowable for at least the reasons provided above.

Claims 19, 20, 22 and 23 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Breggin in view of Kruger. This contention is respectfully traversed. A *prima facie* case of obviousness has not been established because the suggested Breggin-Kruger combination does not teach or suggest all the elements of claims 19, 20, 22 and 23. For example, the Office states that Breggin fails to disclose "a dynamic attribute and a static attribute for one or more resources associated with a software installer." The Office then turns to Kruger to cure the deficiencies of Breggin. However, as discussed above, Kruger also does not teach or suggest "a dynamic attribute and a static attribute for one or more resources associated with a software installer" as recited in claim 19. Therefore, the suggested Breggin-Kruger combination does not teach or suggest all the elements of claim 19, and claim 19 should be allowed.

Claims 20, 22, and 23 depend from independent claim 19, and these dependent claims are allowable for at least the reasons provided above.

Claim 21 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Breggin in view of Kruger, and further in view of U.S. Patent Application No. 2002/0156831 by Suorsa et al. (hereinafter "Suorsa"). This contention is respectfully traversed. Suorsa does not cure the deficiencies of Kruger over Breggin and a *prima facie* case of obviousness has not been established for this claim. Since claim 21 depends from claim 19, claim 21 is allowable for at least the reasons stated above.

Independent claim 25 recites similar limitations as claim 1; thus, claim 25 should be in condition for allowance for at least similar reasons as discussed above. Claims 26-32 depend generally from claim 25 and are allowable for at least the reasons provided above.

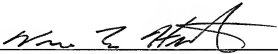
CONCLUSION

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

A formal Notice of Allowance is respectfully requested. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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